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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,232

10/06/2003

Fidol Joaquin Parra

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,232

Applicant(s)

PARRA ET AL.

Examiner

Tilahun B. Gesesse

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/03, 11, 16, 05 & 2/9/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim recite "transmission-reception are pause (suspend) for a time zone in which the communication load is low" fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification as filed (see page 12 lines 1-19 and fig.7) and this statement indicates that the invention is different from what is defined in the claim(s) because the specification discloses in which transceiver of the base stations pauses upon load of communication is maximum not low.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,7,9, are rejected under 35 U.S.C. 102(b) as being anticipated by Trompower (US 6,215,982).

Claim 1, 7,9 Trompower teaches a wireless LAN base station device,(wireless LAN with plurality of base stations, coupled to host computer or central processor see fig.1) comprising:

Trompower teaches plural antennas for making communication with a wireless terminal (117) plural transmission-reception portions connected to the plural antennas (base station 115, with antennas 125, and 129, see fig.1).

Trompower teaches plural control transmission-reception portions (base station 115 with plurality of transceivers and processor (202) of figs.2,5,7-8).

Trompower teaches a central processor for controlling the plural control processors,(the base stations processors coupled to central processor or host computer, see fig.1).

Trompower teaches each transmission-reception portion measures a reception level and each control processor measures a communication error occurrence rate, (see col.6 lines 25-51 and fig.2-3 and col.7, line 56 through col.9, line 30)

Trompower teaches the central processor controls the plural control processors to select the transmission-reception portion so that the reception level is maximum(col.11 line 12-col.12, line 21 and fig.4, in which based on error condition different channel is selected and switch main transceiver to the selected channel, see fig.4, items 314-318 and in selecting channel with better error rate which maximizes).

Claim 2. Trompower teaches the central processor controls the plural control processors to carry out a switching operation of the transmission-reception portions so that the reception level is maximum, (host processor controls the operation over all system operation , therefore, controls the sub processors see fig.1).

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Trompower teaches transmission/reception is carried out between the wireless terminal and both of the transmission-reception portion carrying out the communications and the switch target transmission-reception portion during a switching period (see fig.6.).

Claim 3. Trompower teaches each of the plural control processors is equipped with a switching timer, and said transmission/reception of the transmission-reception portion carrying out the communications is stopped after the switching period (see col. 14, lines 10-29 and fig.6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6,8,10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trompower in view of Machida (US 6,470,184).

Claims 4-6,11 Trompower teaches all limitations as explained above in claim1, except transceiver pauses time zone in which the communication load is low .

However, Machida teaches controller monitors traffic load distribution based on timely basis (see col.2 lines 50-68). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to monitor the traffic load and suspend upon the traffic load high in the Trompower system as evidenced by Machida, in order to avoid interfering communication channel during high traffic load and communicate during traffic load is at lower level.

Claims 8 and 10, Trompower teaches a wireless LAN base station device,(wireless LAN with plurality of base stations, coupled to host computer or central processor see fig.1) comprising:

Trompower teaches plural antennas for making communication with a wireless terminal (117) plural transmission-reception portions connected to the plural antennas (base station 115, with antennas 125, and 129, see fig.1).

Trompower teaches plural control transmission-reception portions (base station 115 with plurality of transceivers and processor (202) of figs.2,5,7-8).

Trompower teaches a central processor for controlling the plural control processors,(the base stations processors coupled to central processor or host computer, see fig.1).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

9/25/06


TILAHUN GESESSE
PRIMARY EXAMINER